



House of Representatives

File No. 697

General Assembly

February Session, 2016

(Reprint of File No. 70)

House Bill No. 5356
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 21, 2016

AN ACT CONCERNING VETERANS' HEALTH RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 19a-490b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) No institution licensed pursuant to this chapter shall charge for
5 furnishing a health record or part thereof to a patient, his attorney or
6 conservator if the record or part thereof is necessary for the purpose of
7 supporting a claim or appeal under any provision of the Social
8 Security Act or a claim or appeal for veterans' benefits under any
9 provision of Title 38 of the United States Code or chapter 506 and the
10 request for the records is accompanied by documentation of the claim
11 or appeal. An institution shall furnish the requested record within
12 thirty days of the request, unless the request was received in less than
13 thirty days subsequent to the date the patient was discharged, in
14 which case the institution shall furnish the requested record upon its
15 completion.

16 Sec. 2. Subsection (d) of section 20-7c of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective from*
18 *passage*):

19 (d) Upon a written request of a patient, a patient's attorney or
20 authorized representative, or pursuant to a written authorization, a
21 provider, except as provided in section 4-194, shall furnish to the
22 person making such request a copy of the patient's health record,
23 including but not limited to, bills, x-rays and copies of laboratory
24 reports, contact lens specifications based on examinations and final
25 contact lens fittings given within the preceding three months or such
26 longer period of time as determined by the provider but no longer
27 than six months, records of prescriptions and other technical
28 information used in assessing the patient's health condition. No
29 provider shall refuse to return to a patient original records or copies of
30 records that the patient has brought to the provider from another
31 provider. When returning records to a patient, a provider may retain
32 copies of such records for the provider's file, provided such provider
33 does not charge the patient for the costs incurred in copying such
34 records. No provider shall charge more than sixty-five cents per page,
35 including any research fees, handling fees or related costs, and the cost
36 of first class postage, if applicable, for furnishing a health record
37 pursuant to this subsection, except such provider may charge a patient
38 the amount necessary to cover the cost of materials for furnishing a
39 copy of an x-ray, provided no such charge shall be made for furnishing
40 a health record or part thereof to a patient, a patient's attorney or
41 authorized representative if the record or part thereof is necessary for
42 the purpose of supporting a claim or appeal under any provision of the
43 Social Security Act or a claim or appeal for veterans' benefits under
44 any provision of Title 38 of the United States Code or chapter 506 and
45 the request is accompanied by documentation of the claim or appeal. A
46 provider shall furnish a health record requested pursuant to this
47 section within thirty days of the request. No health care provider, who
48 has purchased or assumed the practice of a provider who is retiring or
49 deceased, may refuse to return original records or copied records to a

50 patient who decides not to seek care from the successor provider.
51 When returning records to a patient who has decided not to seek care
52 from a successor provider, such provider may not charge a patient for
53 costs incurred in copying the records of the retired or deceased
54 provider.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-490b(b)
Sec. 2	<i>from passage</i>	20-7c(d)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which prevents institutions from charging veterans for their health records when they are needed for a claim or appeal of their federal veterans' benefits, does not result in a fiscal impact to the state or municipalities.

House "A" struck the underlying bill and replaced it with language resulting in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5356 (as amended by House "A")******AN ACT CONCERNING VETERANS' HEALTH RECORDS.*****SUMMARY:**

This bill prohibits certain health care providers and institutions from charging their patients, or the patients' attorneys or authorized representatives, for copies of all or parts of medical records necessary for supporting a claim or appeal relating to any of the provisions authorized under the federal and state veterans statutes. The request for records must include documentation of the claim or appeal. The bill requires these providers and institutions to furnish such records within 30 days of the written request.

The bill applies to licensed health care institutions (e.g., hospitals, nursing homes, and home health care agencies) and various licensed and certified providers, including emergency medical services personnel, physicians, chiropractors, naturopaths, podiatrists, and dentists, among others.

*House Amendment "A" requires health care institutions to provide the medical records at no cost.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 13 Nay 0 (03/03/2016)

Public Health Committee

Joint Favorable

Yea 21 Nay 0 (04/01/2016)